

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO: WAVE 4 CASES ON ATTACHED EXHIBIT A	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PLAINTIFFS' *DAUBERT* MOTION TO PRECLUDE OR, IN THE ALTERNATIVE, TO
LIMIT THE OPINIONS AND TESTIMONY OF ELIZABETH MUELLER, M.D.**

COMES NOW Plaintiffs in actions listed on attached Exhibit A, by and through the undersigned attorneys, and files this Plaintiffs' *Daubert* Motion to Exclude or, In The Alternative, To Limit The Opinions And Testimony Of Elizabeth Mueller, M.D. and would respectfully show the Court that Dr. Mueller should be excluded for the following reasons:

1. Dr. Mueller is not qualified to offer general opinions on the design or warnings for the TVT or TVT-O mesh devices, based on Dr. Mueller' admission that her opinions are offered without reference to any objective, verifiable standards, and are limited to what is adequate for her, in her own practice. Dr. Mueller is unfamiliar with any objective standards, from Ethicon or elsewhere, and failed to apply any such standards to her opinions. Finally, Dr. Mueller does not have knowledge of internal Ethicon standards, internal documents, or testimony, so her testimony would be disconnected from much of the evidence to be considered by the jury.
2. In support of this motion, Plaintiffs have submitted a memorandum of law and also rely upon the following attached exhibits:

1. A true copy of the Wave 4 Expert Report of Elizabeth Mueller, M.D. TVT and TVT-O is attached hereto as Exhibit B.
2. A true copy of the Curriculum Vitae of Elizabeth Mueller, M.D. is attached hereto as Exhibit C.
3. A true copy of excerpts from the Deposition of Dr. Elizabeth Mueller dated March 11, 2017, is attached hereto as Exhibit D.
4. A true copy of excerpts from the September 12, 2012, deposition of Dr. Charlotte Owens, is attached hereto as Exhibit E.
5. A true copy of excerpts from the July 25, 2013, deposition of Dr. David Brown Robinson is attached hereto as Exhibit F.
6. A true copy of excerpts from the May 18, 2012, deposition of Sean M. O'Bryan is attached hereto as Exhibit G.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that the Court grant their *Daubert* Motion to Exclude or, In The Alternative, To Limit The Opinions And Testimony Of Elizabeth Mueller, M.D. Additionally, Plaintiffs request all other and further relief to which they may be justly entitled.

Dated: April 13, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document on April 13, 2017, using the Court's CM-ECF filing system, thereby sending notice of the filing to all counsel of record in this matter.

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